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In re Application of :
GHASSABIAN et al. :
Application No.: 10/553,575 :
Filed: September 26, 2006 :
Attorney Docket No.: GHASSABIAN12 :
For: SYSTEMS TO ENHANCE DATA ENTRY :
IN MOBILE AND FIXED :
ENVIRONMENT :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 14, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the Application Data Sheet (ADS) filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is DISMISSED.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR § 1.78(a)(2)(ii). In addition, the petition under 37 CFR § 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 CFR §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As to item (1), the petition does not comply with the requirements for a grantable petition under 37 CFR §§1.78(a)(3), in that, a proper reference to the prior-filed applications has not been included in an amendment to the first sentence of the specification following the title or in an executed supplemental Application Data Sheet, as provided by 37 CFR §§ 1.78(a)(2)(iii).

Applicant is advised that a supplemental application data sheet (ADS) must bear a proper signature as required by 37 CFR 1.33(b). The ADS submitted with the present petition does not bear a proper signature as required by 37 CFR 1.33(b). Form PTO/SB/14 contains an appropriate signature block and can be obtained at <http://www.uspto.gov/ebs/portal/efs/sb0014.fill.pdf>. Applicant is further advised that a supplemental ADS must be titled in accordance with 37 CFR 1.76(c)(2). Therefore, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters must be filed in the present application.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



Bryan Lin
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